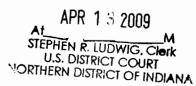


# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND DIVISION



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Plaintiff,

v.

Bureau of Collection Recovery, Inc c/o CT Corporation System, Registered Agent 208 S LaSalle St, Suite 814 Chicago, IL 60604

Defendant.

Case No.: 2 09 CV 098

Judge:

COMPLAINT FOR DAMAGES
UNDER THE FAIR DEBT COLLECTION
PRACTICES ACT AND OTHER
EQUITABLE RELIEF

JURY DEMAND ENDORSED HEREIN

### **JURISDICTION AND VENUE**

Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices
Act (FDCPA), 15 U.S.C. §1692. Venue is proper because a substantial part of the events
giving rise to this claim occurred in this judicial district.

### FACTS COMMON TO ALL COUNTS

- 2. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
- 3. Plaintiff incurred a "debt" as defined by 15 U.S.C. §1692a(5).
- 4. At the time of the communications referenced herein, Defendant either owned the debt or was retained by the owner to collect the debt.
- 5. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).
- 6. Plaintiff filed this claim within the timeframe permitted under the FDCPA.
- 7. In or around late October and early November 2008, Defendant telephoned Plaintiff's residence on numerous occasions, often several times in a single day.

- 8. During several of these communications, Defendant spoke to Plaintiff in a harassing, oppressive, and abusive manner.
- 9. During several of these communications, Plaintiff's mother answered the telephone and Defendant spoke to Plaintiff's mother in a harassing, oppressive, and abusive manner.
- 10. During several of these communications, Defendant accused Plaintiff's mother of lying about Plaintiff's whereabouts.
- 11. During several of these communications, Defendant disclosed to Plaintiff's mother that Plaintiff owed the debt.
- 12. Defendant damaged Plaintiff emotionally and mentally and caused Plaintiff substantial anxiety and stress.
- 13. Defendant violated the FDCPA.

# **COUNT ONE**

### Violation of the Fair Debt Collection Practices Act

- 14. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
- 15. Defendant violated 15 U.S.C. §1692c in that it communicated with a third party and failed to comply with 15 U.S.C. §1692b.

### **COUNT TWO**

#### Violation of the Fair Debt Collection Practices Act

- 16. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
- 17. Defendant violated 15 U.S.C. §1692d in that Defendant used obscene and/or abusive language during its communications in connection with the collection of the debt.

## COUNT THREE

#### Violation of the Fair Debt Collection Practices Act

- 18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
- 19. Defendant violated 15 U.S.C. §1692d in that Defendant repeatedly or continuously telephoned Plaintiff and/or another person with the intent to annoy, abuse, and/or harass that person.

## **JURY DEMAND**

20. Plaintiff demands a trial by jury.

## PRAYER FOR RELIEF

- 21. Plaintiff prays for the following relief:
  - Judgment against Defendant for actual damages, statutory damages, and costs and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
  - b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Macey & Aleman, P.C.

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